

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

JOSEPH LAMBERT,

Plaintiff,

v.

WARSAW CITY OF, CHUCK HODGES,
BARBARA MAYKISH,

Defendants.

Case No. 3:21-CV-413 JD

ORDER

On June 9, 2021, Joseph Lambert, through counsel, filed a complaint against Defendants City of Warsaw, Chuck Hodges, and Barbara Maykish. [DE 1]. On June 21, 2021, plaintiff's counsel moved to withdraw her appearance, which Magistrate Judge Gotsch granted on July 6, 2021. [DE 5, 8]. In doing so, the Court ordered Plaintiff to file a status report on or before August 6, 2021. [DE 8]. Plaintiff was also advised that his pro se status does not relieve him of his obligations to comply with the Federal Rules of Civil Procedure. *Id.* No status report was filed. The Court afforded Plaintiff one last chance to comply fully with its July 6 order and advised him that failing to do so could result in dismissal of this action. [DE 10]. The deadline has passed, and Plaintiff has still not complied. Magistrate Judge Gotsch issued a Report and Recommendation in which he recommends that the action be dismissed without prejudice for lack of prosecution and failure to comply with Court Orders.

Once the magistrate judge files the report and recommendation, a party must file any objections within fourteen days of service. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(2). Consistent with Federal Rule of Civil Procedure 72(b), the district court must undertake a de novo review “only of those portions of the magistrate judge’s disposition to which specific

written objection is made.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999) (citing *Goffman v. Gross*, 59 F.3d 668, 671 (7th Cir. 1995)). If no objection is made, the court’s review is for clear error. *Id.* Under the clear error standard, a court will only overturn a magistrate judge’s ruling if the court is left with “the definite and firm conviction that a mistake has been made.” *Weeks v. Samsung Heavy Indus. Co., Ltd.*, 126 F.3d 926, 943 (7th Cir.1997).

The time period for the parties to file objections to the Report and Recommendation has passed and neither party filed any objections, so the Court’s review is for clear error. The Court has reviewed the Report and Recommendation and does not find any clear error, so it ADOPTS the Report and Recommendation in its entirety. [DE 11]. The Court DISMISSES Plaintiff’s complaint WITHOUT PREJUDICE for lack of prosecution and failure to comply with Court orders.

SO ORDERED.

ENTERED: September 28, 2021

/s/ JON E. DEGUILIO
Chief Judge
United States District Court